

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

C88547

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/9/08

WEBB'S CANDIES, INC.,
individually and on behalf of a class of all those
similarly situated,

Case No.: 08 CV 00382 (PKC)

Plaintiff,

vs.

CADBURY ADAMS CANADA, INC.,
CADBURY SCHWEPPES PLC, HERSEY
CANADA INC., THE HERSEY COMPANY,
MARS CANADA INC., MARS,
INCORPORATED, MARS NORTH AMERICA,
MARS SNACKFOODS U.S.A. LLC, NESTLE
CANADA INC., NESTLE S.A., NESTLE USA,
INC., AND ITWAL LTD.

ECF CASE

STIPULATION
AND [PROPOSED] ORDER

Defendants.

NMJ CONSULTANT GROUP, INC.,
Individually and on behalf of a class of all those
similarly situated,

Case No.: 08 CV 00910 (PKC)

Plaintiff,

vs.

CADBURY ADAMS CANADA, INC.,
CADBURY SCHWEPPES PLC, HERSEY
CANADA INC., THE HERSEY COMPANY,
MARS CANADA INC., MARS,
INCORPORATED, MARS NORTH AMERICA,
MARS SNACKFOODS U.S. LLC, NESTLE
CANADA INC., NESTLE S.A., NESTLE USA,
Inc., and ITWAL, LTD.

ECF CASE

STIPULATION
AND [PROPOSED] ORDER

Defendants.

THE CANDY JAR, INC.

**Individually and on behalf of a class of all those
similarly situated,**

Case No.: 08 CV 01548 (PKC)

Plaintiff,

vs.

**NESTLE SUISSE S.A., NESTLE U.S.A., INC.,
NESTLE CANADA INC., MARS, INC., MARS
NORTH AMERICA, MARS SNACKFOODS
U.S.A. LLC, MARS CANADA INC., CADBURY
SCHWEPPES PLC, CADBURY ADAMS
CANADA, INC., THE HERSHEY COMPANY,
HERSHEY CANADA INC., and ITWAL, LTD.**

ECF CASE

STIPULATION
AND [PROPOSED] ORDER

Defendants.

VME DISTRIBUTORS, INC.,

**Individually and on behalf of a class of all those
similarly situated,**

Case No.: 08 CV 01570 (PKC)

Plaintiff,

vs.

**CADBURY ADAMS CANADA, INC.,
CADBURY SCHWEPPES PLC, HERSHEY
CANADA INC., THE HERSHEY COMPANY,
MARS CANADA INC., MARS,
INCORPORATED, MARS NORTH AMERICA,
MARS SNACKFOODS U.S.A. LLC, NESTLE
CANADA INC., NESTLE S.A., NESTLE USA,
INC., and ITWAL, LTD.**

ECF CASE

STIPULATION
AND [PROPOSED] ORDER

Defendants.

CARD & PARTY MART II LTD.,
Individually and on behalf of a class of all those
similarly situated,

Case No.: 08 CV 01960 (PKC)

Plaintiff,

vs.

CADBURY ADAMS CANADA, INC.,
CADBURY SCHWEPPES PLC, HERSHEY
CANADA INC., THE HERSHEY COMPANY,
MARS CANADA INC., MARS,
INCORPORATED, MARS NORTH AMERICA,
MARS SNACKFOODS U.S.A. LLC, NESTLE
CANADA INC., NESTLE S.A., NESTLE USA,
INC., AND ITWAL LTD.

ECF CASE

STIPULATION
AND [PROPOSED] ORDER

Defendants.

CANTEEN VENDING COMPANY,
Individually and on behalf of a class of all those
similarly situated,

Case No.: 08 CV 01205 (PKC)

Plaintiff,

vs.

CADBURY ADAMS CANADA, INC.,
CADBURY SCHWEPPES PLC, CADBURY
ADAMS USA LLC, HERSHEY CANADA
INC., THE HERSHEY COMPANY, MARS
CANADA INC., MARS, INC., MARS NORTH
AMERICA, MARS SNACKFOOD INC.,
NESTLE CANADA INC., NESTLE S.A.,
and NESTLE USA,

ECF CASE

STIPULATION
AND [PROPOSED] ORDER

Defendants.

**FOOD LION, LLC, HANNAFORD BROS. CO.,
and KASH N' KARRY FOOD STORES, INC.
Individually and on behalf of a class of all those
similarly situated,**

Case No.: 08 CV 03045 (PKC)

Plaintiff,

vs.

**CADBURY ADAMS CANADA, INC.,
CADBURY SCHWEPPES PLC., CADBURY
ADAMS USA LLC, HERSHEY CANADA, INC.,
THE HERSHEY COMPANY, MARS NORTH
AMERICA, MARS SNACKFOOD U.S.,
NESTLE CANADA, INC., NESTLE S.A., and
NESTLE USA**

ECF CASE
STIPULATION
AND [PROPOSED] ORDER

Defendants.

WHEREAS Plaintiffs filed Complaints in the above-captioned cases;

WHEREAS more than sixty complaints have been filed to date in federal district courts throughout the United States by plaintiffs purporting to bring actions on behalf of direct and indirect purchasers alleging antitrust violations by manufacturers, distributors, and sellers of Chocolate (collectively "the Chocolate Cases");

WHEREAS, on April 7, 2008, the Judicial Panel on Multidistrict Litigation ordered the transfer of the Chocolate Cases, including the seven above-captioned cases, for coordinated and consolidated pretrial proceedings pursuant to 28 U.S.C. Section 1407 to the Middle District of Pennsylvania [See Transfer Order attached hereto as Exhibit 1];

WHEREAS the Court issued Orders in all of the above-captioned actions to hold Initial Pretrial Conferences on April 18, 2008 (the "Scheduling Orders") [*Webb's Candies* Docket No. 3; *NMJ Consultant* Docket No. 3; *VME Distributor* Docket No. 3; *Card & Party Mart* Docket No. 3; *Canteen Vending* Docket No. 5; *The Candy Jar* Docket No. 3; *Food Lion* Docket No. 7];

WHEREAS the parties seek to adjourn the Initial Pretrial Conferences to avoid duplicative litigation;

WHEREAS no prior extensions or postponements of the Initial Pretrial Conferences have been sought or granted;

NOW, THEREFORE, IT IS HEREBY STIPULATED by and among the undersigned counsel for all parties herein, subject to approval of the Court, as follows:

The April 18, 2008 Initial Pretrial Conferences set forth in the Court's Scheduling Orders are adjourned.

Dated: April 8, 2008

By: Robert G. Eisler (MP)
Robert G. Eisler

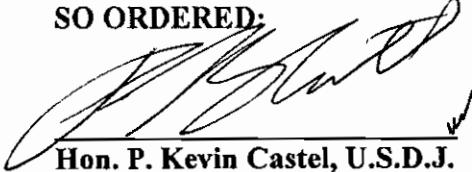
Seth R. Gassman
COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.
150 East 52nd Street
Thirtieth Floor
New York, NY 10022
Tel: (212) 838-7797
Fax: (212) 838-7745

Michael D. Hausfeld
Christopher J. Cormier
COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.
1100 New York Avenue, N.W.
Suite 500, West Tower
Washington, D.C. 20005
Tel: (202) 408-4600
Fax: (202) 408-4699

Michael P. Lehmann
COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.
One Embarcadero Center
Suite 2440
San Francisco, CA 94111
Tel: (415) 229-2080
Fax: (415) 986-3643

Attorneys for Plaintiffs Webb's Candies, Inc., NMJ Consultant Group, Inc. VME Distributors, Inc., and Card & Party Mart II, Ltd.

SO ORDERED:


Hon. P. Kevin Castel, U.S.D.J.

4 - 9 - 08

By: Courtney Rockett (BP)

Courtney R. Rockett (CR-2181)
Matthew S. Tripolitsiotis (MT-9413)
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, New York 10504
(914) 749-8200 (tel.)
(914) 749-8300 (fax)

William A. Isaacson
Tanya S. Chutkan
Ian Crichton
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Avenue, N.W.
Washington, D.C. 20015
(202) 237-2727 (tel.)
(202) 237-6131 (fax)

Attorneys for Plaintiff Canteen Vending Co.

Steven A. Kanner
Douglas A. Millen
Robert J. Wozniak
FREED KANNER LONDON & MILLEN LLC
2201 Waukegan Road, Suite 130
Bannockburn, IL 60015
Tel: (224) 632-4500
Fax: (224) 632-4521

Attorneys for Plaintiffs Webb's Candies, Inc., VME Distributors, Inc., and Card & Party Mart II Ltd.

By: Frederick Furth (BP)

Frederick P. Furth
Henry A. Cirello
Michael S. Christian
THE FURTH FIRM LLP
225 Bush Street, 15th Floor
San Francisco, CA 94104
Tel: (415) 433-2070
Fax: (415) 982-2076

Attorneys for Plaintiff The Candy Jar, Inc.

By: Torsten Kracht (br)
Torsten M Kracht

Richard L. Wyatt, Jr
Todd M. Sternerson
AKIN GUMP STRAUSS HAUER & FELD, LLP
1333 New Hampshire Avenue, N.W.
Washington, DC 20036-1564
Tel: (202) 887-4000
Fax: (202) 887-4288

R. Laurence Macon
AKIN GUMP STRAUSS HAUER & FELD, LLP
300 Convent Street, Suite 1500
San Antonio, TX 78205-3732
Tel: (210) 281-7000
Fax: (210) 224-2035

Attorneys for Plaintiffs Food Lion, LLC, Hannaford Bros. Co., and Kash N' Karry Food Stores, Inc.

Jayne A. Goldstein
Lee Albert
MAGER & GOLDSTEIN LLP
1818 Market Street, Suite 3710
Philadelphia, PA 19103
Tel: (215) 640-3280
Fax: (215) 640-3281
jgoldstein@magergoldstein.com
lalbert@magergoldstein.com

Natalie Finkelman Bennett
SHEPERD, FINKELMAN, MILLER
& SHAH, LLC
35 East State Street
Media, PA 19063
Tel: (610) 891-9880
Fax: (610) 891-9883

Attorneys for Plaintiff NMJ Consultant Group, Inc.

Allan Steyer
STEYER LOWENTHAL BOODROOKAS AVAREZ
& SMITH LLP
One California Street, Third Floor
San Francisco, CA 94104
Tel: (415) 421-3400
Fax: (415) 421-2234

*Attorney for Plaintiffs Webb's Candies, Inc. and VME
Distributors, Inc.*

Arthur N. Bailey
ARTHUR N. BAILEY & ASSOCIATES
111 West Second Street, Suite 4500
Jamestown, New York 14701
(716) 664-2967 (tel.)
(716) 664-2983 (fax)

*Attorney for Plaintiffs Webb's Candies, Inc., VME
Distributors, Inc., and Canteen Vending Co.*

Andrew B. Sacks
John K. Weston
SACKS & WESTON
114 Old York Road
Jenkintown, PA 19046
Tel: (215) 925-8200
Fax: (215) 925-0508

Attorneys for Plaintiff Card & Party Mart II Ltd.

By: Michael Huttenlocher (MH)
Michael R. Huttenlocher (MH-1710)
MCDERMOTT WILL & EMERY LLP
340 Madison Avenue
New York, NY 10017
(212) 547-5400

David Marx, Jr.
MCDERMOTT WILL & EMERY LLP
227 West Monroe Street
Chicago, Illinois
Telephone: (312) 984-7668
Fax: (312) 984-7700

Attorneys for Mars, Inc.

By: Craig Primis (CP)
Craig S. Primis, P.C. (CP-5017)
KIRKLAND & ELLIS LLP
655 Fifteenth Street
Washington, DC 20005-5793
Telephone: (202) 879-5000
Fax: (202) 879-5200

Attorneys for The Hershey Company

By: Christina Guerola Sarchio (CS)
Christina Guerola Sarchio (CS0620)
HOWREY LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
Telephone: (202) 383-6503
Fax: (202) 383-6610

Attorneys for Nestle U.S.A., Inc.

By: Dennis Orr (DPR)
Dennis P. Orr
MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, NY 10104-0050
Tel: (212) 468-8167
Fax: (212) 468-7900

Attorney for Cadbury Adams USA LLC